

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN W. WILLIAMS,

Plaintiff,

vs.

WARDEN JAMES WALKER,  
ASSOCIATE WARDEN REYES AND  
CAPTAIN BAUGHMAN,

Defendants.

No. C 07-1433 JSW (PR)

**ORDER OF TRANSFER**

(Docket No. 3)

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Plaintiff is a state prisoner currently incarcerated at California State Prison-Sacramento located in Represa, California. He filed this civil rights action challenging the actions of prison officials at New Folsom State Prison, in Represa, California. New Folsom State Prison is located in Sacramento County, within the venue of the United States District Court for the Eastern District of California.

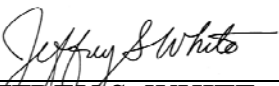
When jurisdiction is not founded solely on diversity, venue is proper in the district in which (1) any defendant resides, if all of the defendants reside in the same state, (2) the district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1391(b). Where a case is filed in the wrong venue, the district court has the discretion either to dismiss the case or transfer it to the proper federal court “in the interest of justice.” 28 U.S.C. § 1406(a). Venue may be raised by the court sua sponte where the defendant has not yet filed a responsive pleading and the time for doing so has not run. *Costlow v. Weeks*, 790

1 F.2d 1486, 1488 (9th Cir. 1986).

2 Plaintiff complains about conditions of confinement at a prison located in  
3 Sacramento County, within the venue of the Eastern District of California. *See* 28  
4 U.S.C. § 84. Therefore, the Court will transfer this action to the United States District  
5 Court for the Eastern District of California. Accordingly, IT IS ORDERED in the  
6 interest of justice, and pursuant to 28 U.S.C. § 1406(a), that this action be  
7 TRANSFERRED to the United States District Court for the Eastern District of  
8 California. In light of the transfer, the Court will not resolve Plaintiff's pending motion  
9 (docket no. 3). The Clerk of the Court shall transfer this matter forthwith.

10 IT IS SO ORDERED.

11 DATED: April 17, 2007

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13 JEFFREY S. WHITE  
14 United States District Judge  
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